

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

RENEE CESAR VILCHES MORA, on behalf  
of himself and all others similarly situated,

Plaintiffs,

v.

TARGET CORPORATION, a Minnesota  
corporation, and DOES 1 through 125,  
Inclusive,

Defendants.

**CASE NO. 07CV0719 BEN (WMC)**

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
LACK OF SUBJECT MATTER  
JURISDICTION**

On April 19, 2007, Plaintiff Renee Cesar Vilches Mora (“Mora”) filed a wage and hour suit with class allegations against Target Corporation (“Target”) based on its company policies and practices. Mora asserts seven claims against Target based on violations of California’s employment laws. The Complaint alleges that jurisdiction in this Court is proper based on diversity jurisdiction pursuant to 28 U.S.C. section 1332. Compl. ¶ 9.

“A class action can satisfy the requirements for diversity jurisdiction in two ways. First, the class action can be properly heard in federal court if at least one named plaintiff’s injury satisfies the jurisdictional minimum amount in controversy (\$75,000) and where complete diversity exists among all plaintiffs and defendants.” *Jepson v. Ticor Title Ins. Co.*, Case No.

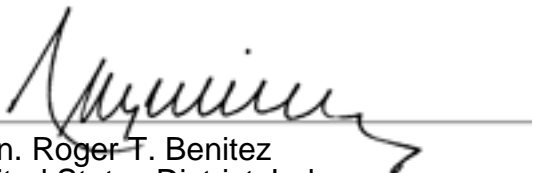
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1 C06-1723, 2007 WL 3171442, at \*1 (W.D. Wash. Oct. 26, 2007) (citing *Exxon Mobil Corp. v.*  
2 *Allapattah Servs.*, 545 U.S. 546 (U.S. 2005)). “Alternatively, the Class Action Fairness Act of  
3 2005 (CAFA) grants a federal court subject matter jurisdiction in a class action lawsuit when the  
4 class comprises more than 100 members, where minimal diversity of citizenship is present, and  
5 where the aggregate amount of all class members’ claims exceeds \$5 million (exclusive of costs  
6 or attorneys’ fees).” *Id.* In this case, the Court cannot ascertain from the face of the pleadings  
7 whether federal subject matter jurisdiction exists.

8 The Court therefore orders Plaintiff to show cause on or before **November 21, 2007** why  
9 this case should not be dismissed for lack of subject matter jurisdiction. Defendant may  
10 respond, if at all, on or before **December 5, 2007**.

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12 **IT IS SO ORDERED.**

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14 DATED: November 5, 2007

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16 Hon. Roger T. Benitez  
17 United States District Judge  
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